

REMARKS

Claims 1-27 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1-5, 7, 9-14, 16, 18-23, 25 and 27 under 35 U.S.C. § 102(e) as being anticipated by Patel et al. (U.S. Patent 6,865,185) (hereinafter “Patel”). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 1, contrary to the Examiner’s assertion, **Patel fails to disclose a server system receiving a request that includes information indicating at least one of user identity, current user role, or a time constraint**, as recited in Applicants’ claim.

Patel teaches a system for queuing traffic in a wireless network that includes receiving a stream of packets for transmission in the wireless network. Each packet includes a flow identifier (e.g., a tuple including the source address, destination address, port address and application type) that is used to assign the packet to a virtual group for network transmission. Patel teaches transmitting labels or tags to enable quality of service (QoS) enforcement (Patel, Abstract, col. 2, lines 13-25; col. 3, line 62 – col. 4, line 2; col. 7, lines 60-65; col. 11, lines 15-32 and lines 65-67; and col. 17, lines 14-23).

The Examiner cites Fig. 1 and col. 12, lines 6-10 of Patel and refers to “each packet containing a user identifier” (Office Action, dated Feb. 22, 2008, p. 2). However, contrary to the Examiner’s contention, Patel does **NOT** disclose, either at the Examiner’s cited passage or elsewhere, a server system receiving a request that includes information indicating at least one of user identity, current user role or a time constraint. Furthermore, the Examiner’s interpretation of the cited passage is incorrect. At the cited passage, Patel teaches retrieving all pertinent information to handle a packet from an information base and that the *retrieved information*, not the packet as the Examiner

contends, includes “the user identifier, location of the call and class of service.” Thus, Patel fails to teach the subject matter on which the Examiner relies (i.e., “each packet containing a user identifier”).

Specifically, Applicants’ claim requires receiving a request that includes one of user identity, current user role or a time constraint. Patel relies on each packet including a flow identifier, which Patel teaches may be “any suitable type of identifier of the packet” and gives as an example a tuple formed by a combination of the source and destination addresses as well as the port and application type (Patel, col. 11, lines 27-32, and lines 63-67; and col. 17, lines 14-23). Patel also teaches that the packet may include other data, such as a routing label, a location label, a power/service option label, a Diff-Serv Code Point field, a QoS field, a SLA field, a source address, a destination address, a port, and an application type (Patel, col. 11, lines 23-27), without ever mentioning anything about any packet, much less *each* packet as the Examiner contends, including user identity, current user role or a time constraint.

Patel further clarifies that the packet does not include user identity, current user role or a time constraint because Patel requires a separate information base from which all information, such as user identity, may be retrieved based on the flow identifier (Patel, col. 12, lines 6-12). Patel teaches retrieving user identity from the information base, rather than receiving a packet that includes user identity, as the Examiner contends. If this information was already in the packet, there would be no need for the information base.

As shown above, not only does Patel fail to disclose receiving a packet that includes at least one of user identity, current user role or a time constraint, Patel teaches the use of a flow identifier in each packet that can be used to retrieve information such as user identity. The cited art clearly fails to teach the subject matter on which the Examiner’s rejection is based.

Applicants respectfully remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The **identical invention must** be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Patel fails to disclose a server system receiving a packet including at least one of user identity, current user role or a time constraint. Therefore, Patel cannot be said to anticipate claim 1.

For at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 10 and 19.

Regarding claim 2, Patel fails to disclose where the information in the request further indicates a requested service. As noted above regarding claim 1, Patel teaches packets that each may include various sorts of information (Patel, col. 11, lines 23-27), but fails to mention anything about information indicating a requested service.

The Examiner cites item 102 of Fig. 3 in Patel and contends, “the packet includes the application being requested” (Office Action, p 2). However, Applicants’ respectfully disagree with the Examiner’s interpretation of the cited art.

The application field 102 on which the Examiner relies is **not** disclosed as indicating a requested service, as the Examiner contends. Instead, Patel teaches that the application field indicates an application type (Patel, col. 11, lines 22-32 and lines 63-67; col. 17, lines 14-24). An application type is not a requested service, as the Examiner contends. Additionally, Patel fails to disclose that the application type indicated in the application field 102 is that of a requested application, as opposed say, to the sending application. The Examiner has not demonstrated that the application field 102 in Patel actually indicates a requested service. Patel’s description of application field 102, e.g., as

an application type used, with other data, as a flow identifier does not in any way disclose the specific limitation of a request including information indicating requested service, as recited in Applicants' claim.

Thus, Patel fails to teach the subject matter on which the Examiner relies. The rejection of claim 2 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 11 and 20.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

Section 103(a) Rejection:

The Examiner rejected claims 6, 15 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Patel in view of Zara et al. (U.S. Patent 7,206,848) (hereinafter "Zara"), and claims 8, 17 and 26 as being unpatentable over Patel in view of Vange (U.S. Publication 2002/0059170). Applicants respectfully traverse the rejection of claim 6, 8, 15, 17, 24 and 26 for at least the reasons presented above regarding their respective, independent claims.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90800/RCK.

Respectfully submitted,

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